

CHAPTER 7-335
DEFINITIONS

CROSS REFERENCES

Pa. Municipalities Planning Code, as reenacted and amended by Act 170 of 1988, and as further amended
"Sunshine Act", Act of July 3, 1986 (P.L. 388, No. 84)

7-335.1. GENERAL INTERPRETATION

(a) For the purposes of this Zoning Code, words and terms used herein shall be interpreted as follows:

- (1) Words in the present tense shall include the future tense.
- (2) "USED" or "OCCUPIED" as applied to any land or building includes the words "intended, arranged, or designed to be used or occupied".
- (3) "SHOULD" means that it is strongly encouraged but is not mandatory. "SHALL" is always mandatory.
- (4) "SALE" includes rental.
- (5) The singular shall also regulate the plural and vice versa, unless stated otherwise. The masculine gender shall include the feminine and neuter, and vice versa.
- (6) **If a word is not defined in this Zoning Code but is defined in the City Subdivision and Land Development Code, as amended, the definition in that Code shall apply.** If a word is defined in both this Zoning Code and another City ordinance, each definition shall apply to the respective provisions of each applicable Ordinance.
- (7) Any word or term not defined in this Zoning Code or in the City Subdivision and Land Development Code, as amended, shall have its plain and ordinary meaning within its context as determined by the Zoning Officer. A standard reference dictionary may be consulted.
- (8) The words "such as", "includes" and "including" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.

- (9) The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.
- (10) All provisions and terms shall be construed and interpreted in accordance within the objectives of this Code and the purposes of the applicable section.
- (11) All references to other laws and regulations shall be interpreted to include the phrase "as amended."
- (12) In the case of any alleged difference in meaning or implication between the text of this Code and any heading or illustration, the text shall control.

7-335.2. TERMS DEFINED

When used in this Title, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

“ABUSED PERSON SHELTER” means a non-profit residential use in which rooms are provided to serve as a temporary safe and supportive environment for persons who, because of actual or threatened physical or mental abuse, are forced to leave their previous living arrangement. Such facilities shall be designed to provide in-house living for persons only until a safe, permanent living arrangement can be obtained. This term may also include housing for unwed pregnant women immediately before and after the birth.

“ABUT OR ABUTTING” means areas of contiguous lots that share a common lotline, except not including lots entirely separated by a street or a perennial waterway. See definition of "adjacent."

“ACCESS DRIVE” OR “ACCESSWAY” means a type of "driveway" that serves 3 or more principal buildings.

“ACCESS POINT” means one combined entrance/exit point, or one clearly defined entrance point separated from another clearly defined exit point.

“ACCESSORY STRUCTURE” (includes Accessory Building) means a structure serving a purpose customarily incidental to and subordinate to the principal use and located on the same lot as the principal use. Accessory structures shall not be attached to the principal building. An "Accessory Building" is any accessory structure that meets the definition of a "building." A portion of a principal building used for an accessory use shall not be considered an accessory building.

“ACCESSORY USE” means a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use. An example would be a home occupation that is accessory to a dwelling.

“ADJACENT” means two or more lots that share a common lotline or that are separated only by a street or waterway from each other.

“ADULT BOOKSTORE” means a use with a significant portion of the market value of, or over fifteen (15) square feet of total floor area occupied by, items for sale or rent that are books, films, magazines, video tapes, coin- or token-operated films or video tapes, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities." This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law.

“ADULT DAY CARE CENTER” means a use providing supervised care and assistance primarily to persons who are over age 60 and/or persons with mental disabilities or physical handicaps who need such daily assistance because of their limited physical abilities, Alzheimer’s disease, mental abilities or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

“ADULT LIVE ENTERTAINMENT FACILITY” means a use including live entertainment involving persons (which may include waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual "specified sexual activities" related to some form of monetary compensation paid to a person, company or organization operating the use or to persons involved in such activity.

“ADULT MOVIE THEATER” means a use involving the presentation typically to three or more persons at one time in a room of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of "specified sexual activities" for observation by patrons therein and that is related to some form of monetary compensation by the persons viewing such matter.

“ADULT USE” means and includes any of the following uses: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Facility/Use.

“AFTER HOURS CLUB” means a commercial use or membership club that permits the consumption of alcohol and is routinely open between the hours of 2 a.m. to 4 a.m., in addition to any other hours. See State Act 219 of 1990, which generally prohibits this use.

“ALLEY” means a vehicle right-of-way having a right-of-way width of twenty (20) feet or less and that primarily provides secondary, service or garage access to the side or rear of lots.

“ALTERATION OF BUILDING OR STRUCTURE” means a change or rearrangement in the load bearing and non-load bearing structural members, resulting in the extension of any side or the increase in height. The moving of the building or structure from one

location or position to another or the conversion of one use to another by virtue of interior change shall also constitute an alteration of building.

“AMUSEMENT ARCADE” means an indoor commercial use in which a primary activity on the premises involves use of electronic machines for amusement or entertainment, with such machines activated by the use of tokens or coins. This term shall not include an Adult Use.

“ANTENNA - STANDARD” means a device, partially or wholly exterior to a building, that is used for receiving any type of electronic signals (other than a satellite dish antennae of greater than 3 feet dish diameter, which is treated separately) or for transmitting short-wave or citizens band radio frequencies. This shall include antennas used by an amateur ham radio operator or by a contracting business or utility to communicate with its employees, but shall not include a "Commercial Communications Antenna." This term includes any accessory supporting structures.

“APARTMENT” See "dwelling types."

“APPLICANT” means the person(s), company, partnership, profit or non-profit corporation or trust responsible for a particular application for an approval or permit under this Code, and his/her heirs, successors and assigns.

“APPLICATION” means a written form supplied by the City Staff for a City approval, decision or permit, including any accompanying site plan and additional information and materials that the City requires the applicant to submit.

“AUDITORIUM - COMMERCIAL OR ARENA” means a commercial area or structure involving indoor or outdoor space for exhibits, meetings, live performances or sports events, but not a use that meets the definition of an "adult use."

“AUTO, BOAT AND/OR MOBILE/MANUFACTURED HOME SALES” means an area, other than a street, used for the outdoor or indoor display, sale or rental of one or more of the following in operable condition: motor vehicles, recreation vehicles, trailers, motorcycles, trucks, construction vehicles, boats, or transportable mobile/ manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/ manufactured home park or a junkyard, unless the requirements for such use are also met.

“AUTO REPAIR GARAGE” means an area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, any use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of a

"auto service station" is also permitted as part of an "auto repair garage," such as a "convenience store."

"AUTO SERVICE STATION" means a building and/or land where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections. This use may include a "convenience store." A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station. See storage limits and other requirements in Chapter 7-313.

"AVERAGE LOT AREA" See "Lot Area, Average."

"BASEMENT" means an enclosed floor area partly or wholly underground. A basement shall be considered a "story" if a) the majority of the basement has a clearance from floor to ceiling of six-and-one-half (6.5) feet or greater and b) the top of the ceiling of the basement is an average of five (5) or more feet above the finished grade along the majority of the front side of the building that faces onto a street.

"BED AND BREAKFAST USE" means the use of an existing principal building for the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the requirements of Chapter 7-313 regarding the maximum number of such guests, and which does not provide any cooking facilities for actual use by guests. Any provision of meals shall be limited to overnight guests, employees and permanent residents of the dwelling, unless the requirements for a restaurant are also met. This use shall only rent rooms for a maximum of 30 days in any 90 day period to any person(s) and shall be restricted to transient visitors to the region. A bed and breakfast shall also include one dwelling unit for the resident-operators of the use.

"BERM" means a mound or ridge of landscaped earth designed to act as a screen and buffer.

"BETTING USE" means a use where lawful gambling activities are conducted, including but not limited to off-track pari-mutual betting. This term shall not include betting under the State Lottery programs or betting under the "Small Games of Chance" provisions of State law, which shall instead be regulated under the regulations applicable to the principal use of the property (such as a "membership club").

"BILLBOARD" means a type of "off-premise sign" with any total sign area greater than fifty (50) square feet. See definition of "Sign, Off-premise."

"BOARD" See "Zoning Hearing Board."

"BOARDING HOUSE" See "Rooming House."

“BRING YOUR OWN BOTTLE CLUB” OR “BYOB CLUB” means any business facility, such as a dance hall or club, that is not licensed by the State Liquor Control Board, wherein patrons age 21 or older may after payment of an entry fee, cover charge or membership fee, consume alcoholic beverages which said patrons have carried onto the premises; provided that a facility which is rented for a limited period of time, not to exceed 12 hours, by individual(s) or an organization for the purpose of a private party in which alcoholic beverage are carried onto the premises shall not be considered a B.Y.O.B. Club under the term of these Codified Ordinances.

“BUFFER YARD” means a strip of land that:

- (a) separates one use from another use or feature, and
- (b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance but land within an existing street right-of-way shall not be used to meet a buffer yard requirement. See Chapter 7-327.

“BUILDING” means any structure having a permanent roof and walls and that is intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "Building" shall be interpreted to include "or part thereof." See the separate definition of "structure." Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

“BUILDING COVERAGE” means the percentage obtained by dividing: a) the maximum horizontal area in square feet of all principal and accessory buildings and attached structures covered by a permanent roof on a lot by b) the total lot area of the lot upon which the buildings are located.

“BUILDING HEIGHT” See "Height."

“BUILDING - PRINCIPAL” means a building used for the conduct of the principal use of a lot, and which is not an accessory building.

“BUILDING SETBACK LINES” See "Setback Line."

“BUILDING WIDTH” means the horizontal measurement between two vertical structural walls that are generally parallel of one building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

“BULK RECYCLING CENTER” means a use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household or

office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This term shall not include a "junkyard" or "scrap metal processor."

"BULK STORAGE" means storage beyond what is reasonably needed for customary use on-site. This includes storage of substances intended to be sold or re-sold for use off-site.

"BUSINESS OFFICE" See "Office."

"BUSINESS SERVICES" means services that are primarily provided to businesses, such as custom graphics, photocopying, custom printing, notary publics, travel agencies, retail receipt and packaging and shipping of packages and related retail sales, and similar services.

"CARE AND TREATMENT CENTER FOR CHILDREN" means a use involving residential and/or outpatient counseling and support facilities for persons under the age of 18 who primarily need such special services because of emotional or behavior concerns or because of inadequate care provided by their families. Such facilities may also include counseling facilities for the families of the youth. Such facilities may also include the following types of facilities for persons under age 18: group homes, recreation facilities, child day care centers, educational facilities and support facilities for off-site programs.

"CARTWAY" means the paved portion of a street designed for vehicular traffic and on-street parking, but not including the shoulder of a street without curbing.

"CELLAR" See "Basement."

"CEMETERY" means land or buildings used for the burial of deceased humans, but not animals. The internment or scattering of remains of properly cremated humans is not regulated by this Zoning Code.

"CHILD CARE" See "Day Care."

"CHURCH" See "Place of Worship."

"CITY" means the City of Harrisburg, Dauphin County, Pennsylvania.

"CITY COUNCIL OR COUNCIL" means the City Council of the City of Harrisburg.

"CLEAR SIGHT TRIANGLE" means an area required to be kept free of certain visual obstructions to traffic. See Chapter 7-327.

"CLUB" See "Membership Club."

“CODE, THIS” means the City of Harrisburg Planning and Zoning Code, as amended.

“COLLEGE OR UNIVERSITY” means an institution of higher learning authorized to grant associate, bachelor's, master's and/or doctorate degrees. For non-degree institutions, see "Trade School."

“COMMERCIAL” means intended to be for-profit.

“COMMERCIAL COMMUNICATIONS TOWER OR ANTENNA” means a structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals, and that does not meet the definition of a "standard antenna". Commercial communications antennas shall include, but are not limited to, antenna used for transmitting commercial radio or television signals, or to receive such signals for a cable system or for retransmitting cellular telephone communications. See Chapter 7-313.

“COMMERCIAL DISTRICT” means the CN, CR, CG, DL, DG, DC and SPD Zoning Districts.

“COMMERCIAL RECREATION” means the offering of leisure-time activities for a profit-making purpose. This term shall not include any "Adult Use." Routine recreation facilities that are clearly limited to residents of a development and their occasional invited guests shall be a permitted accessory use to that development.

“COMMERCIAL INDOOR RECREATION” means a type of "commercial recreation" use that:

- (a) does not meet the definition of Commercial Outdoor Recreation, and
- (b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, virtual reality games and exhibits, indoor miniature golf, commercial batting practice use and uses that the applicant proves to the satisfaction of the Zoning Officer are closely similar, and
- (c) this term shall not include any use listed separately as a distinct use in Section 7-309.1.

“COMMERCIAL OUTDOOR RECREATION” means a type of "commercial recreation" use that:

- (a) has a total building coverage of less than thirty percent (30%), and
- (b) is used principally for active or passive recreation, such as a golf driving range, miniature golf course, and uses that the applicant proves to the satisfaction of the Zoning Officer are closely similar, and

- (c) this term shall not include any use listed separately as a distinct use by Section 309.1, such as a firearms target range.

“COMMERCIAL USE” means and includes, but is not limited to: retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar profit-making non-industrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

“COMMERCIAL VEHICLE” means any motor vehicle or trailer that is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business (such as hauling material). This term shall not include any of the following: emergency medical vehicles, fire trucks, school buses, recreational vehicles for personal use, U.S. Postal Service vehicles, municipally-owned vehicles, vehicles clearly primarily intended for agricultural uses, or vehicles actively engaged in the construction or repair of streets, curbs, sidewalks or utilities in the immediate area. See "Residential Accessory Use" in Chapter 7-313.

“COMMISSION” means the Planning Commission of the City of Harrisburg.

“COMMUNITY CENTER” means a noncommercial use that exists solely to provide leisure and educational activities and programs to the general public or certain age groups. The use also may include the noncommercial preparation and/or provision of meals to low-income elderly persons. This shall not include residential uses or a "treatment center."

“COMPOSTING” means the controlled processing of vegetative material to allow it to biologically decompose under controlled anaerobic or aerobic conditions to yield a humus-like product.

“COMPREHENSIVE PLAN” means the City of Harrisburg Comprehensive Plan, or any part thereof, adopted by City Council, as amended.

“CONDITIONAL USE” means a use specifically listed in this Zoning Code as a "Conditional Use" and which requires zoning approval by City Council, within the provisions of Chapter 7-301.

“CONDOMINIUM” means a set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which was created under the Pennsylvania Unit Property Act of 1963 or is/was created under the Pennsylvania Uniform Condominium Act of 1980, as amended.

“CONVENIENCE STORE” means a type of "retail store" that primarily sells routine household goods, groceries and prepared ready-to-eat foods to the general public, but that is not primarily a restaurant. A "major convenience store" shall be a convenience store that involves a retail floor area of more than 2,000 square feet but less than 5,000 square feet

and which also includes the on-site sale of gasoline. If such use exceeds 5,000 square feet, it shall be considered a grocery store.

“CONVERSION” means to change from one use to another use, or to increase the number of dwelling units within a building, unless otherwise stated.

“CORRECTIONAL FACILITY” means a facility owned or operated by the County of Dauphin, the Commonwealth of Pennsylvania or the U.S. Government to incarcerate persons who have been sentenced by a court of law or a parole board to involuntarily spend time in such facility, or who are being incarcerated while awaiting trial or sentencing, other than routine holding cells within a government building. See also "Criminal Rehabilitation Center."

“COUNTY” means the County of Dauphin, Commonwealth of Pennsylvania.

“COUNTY PLANNING COMMISSION” means the Dauphin County Planning Commission.

“CRIMINAL REHABILITATION CENTER” means a facility providing housing facilities for persons who need specialized housing, treatment and/or counseling for stays of less than one year for the purposes of criminal rehabilitation, such as a criminal half-way house or a treatment/housing center for persons convicted of driving under the influence of alcohol. This term shall not include a "correctional facility."

“CULTURAL CENTER” means a building and/or land open to the public which primarily contains exhibits of clearly artistic or cultural interest, such as a museum, library, art gallery or indoor nature study area. This shall not include uses that are primarily commercial in nature.

“DANCE HALL” means a facility that is primarily used to provide musical entertainment and dancing for more than one hundred persons at one time. Such use may also include a "tavern," "nightclub" or "restaurant" if the requirements for each are also met.

“DAY CARE - CHILD” means a use involving the supervised care of children under age 16 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to State-required education, including a "nursery school" or "Head Start" programs. The term "day care" shall not include a Treatment Center or Criminal Rehabilitation Center. See also the definition of "adult day care center."

- (a) The following two types of day care are permitted without regulation by this Code:
- (1) care of children by their own "relatives" and
 - (2) care of children within a place of worship during regularly scheduled religious services.

- (b) **"FAMILY CHILD CARE HOME" or "CHILD DAY CARE AS AN ACCESSORY USE"** means a type of "day care" use that:
- (1) is accessory to and occurs within a dwelling unit, and
 - (2) provides care for up to 6 children at one time, including children of the caregivers.
- (c) **"GROUP CHILD CARE HOME"** means a type of "day care" use that:
- (1) provides care for between 7 and 12 children at one time, including children of the caregivers,
 - (2) provides care within a dwelling unit, and
 - (3) is registered with the applicable State agency.*
- (d) **"CHILD CARE CENTER"** means a type of "day care" use that:
- (1) provides care for 13 or more children at any one time, including relatives of the care givers,
 - (2) does not meet the definition of a Group Day Care Home, and
 - (3) is registered with the applicable State agency.*
 - (4) see Chapter 7-313.

* Note: As of 1996, such agency was the State Department of Public Welfare.

"DAYS" means calendar days.

"DENSITY" means the total number of dwelling units proposed on a lot divided by the "lot area", unless otherwise stated.

"D.E.P." or "DEP" means the Pennsylvania Department of Environmental Protection, and its relevant bureaus.

"DETACHED BUILDING" means a building which is not physically attached to any other building.

"DEVELOPMENT" means construction, erection or expansion of a structure or mining, dredging, filling, grading, paving, excavation or drilling operations. The term also includes any activities defined as "land development" under the Harrisburg City Subdivision and Land Development Code.

"DISTRIBUTION" means the processing of materials so as to sort out which finished goods are to be transported to different locations, and the loading and unloading of such goods. This use usually involves inventory control, material handling, order administration and packaging. Specifically, a use that primarily involves either loading materials from tractor-trailers onto smaller trucks or loading materials from smaller trucks onto tractor-trailers shall be considered a "distribution" use.

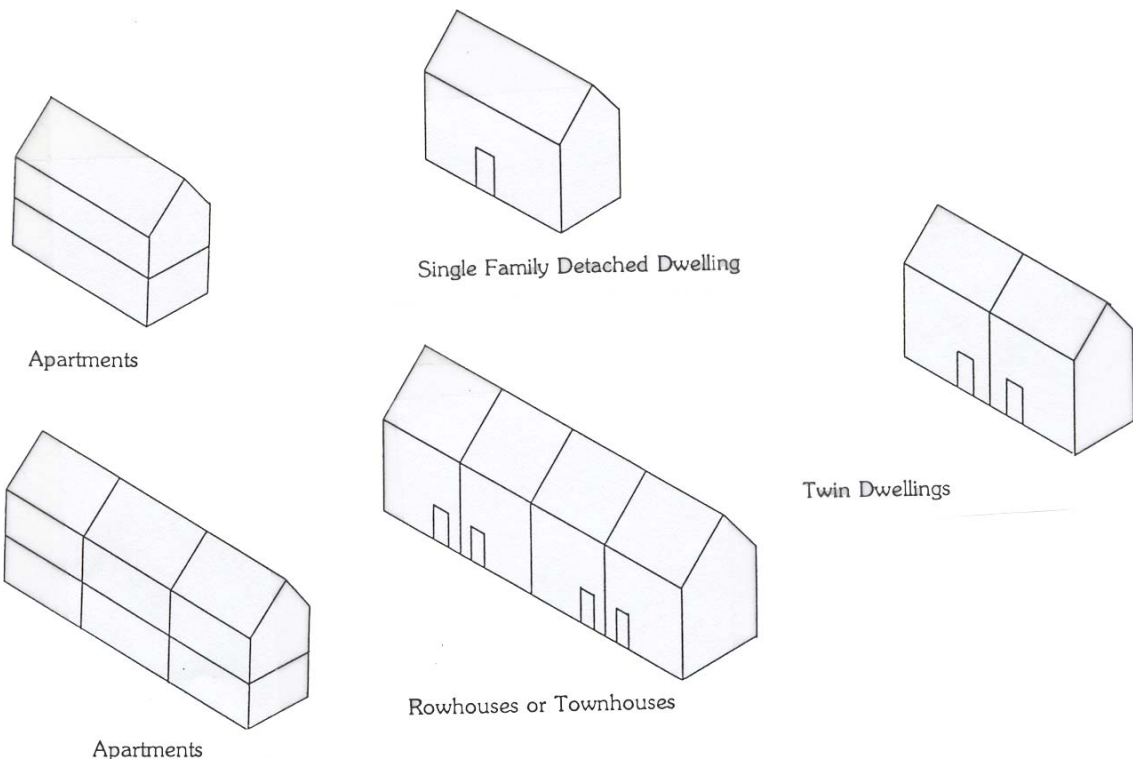
"DISTRICT" or "ZONING DISTRICT" means a land area within the City within which certain uniform regulations and requirements apply under the provisions of this Code.

“DORMITORY” means a principal or accessory building that is used primarily as living quarters and is occupied exclusively by bona fide full-time faculty or students of an accredited college or university or State licensed teaching hospital or accredited public or private primary or secondary school.

“DRIVE-THRU SERVICE” means an establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

“DRIVEWAY” means a privately owned, constructed, and maintained vehicular access from a street to one or two principal buildings or their accessory buildings, and which does not meet the definition of a street or an alley.

“DWELLING” means a building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional home."



This Ordinance categorizes dwellings into the following types:

(a) **“CONVERSION APARTMENT”** means a new dwelling unit created within an existing building.

(b) **“APARTMENTS”** means two or more dwelling units within one building that do not meet the definitions of a "twin dwelling" or "townhouses/rowhouses." For example, two or more units that are separated by only horizontal floors shall be considered "apartments." The individual dwelling units may be leased or sold for condominium ownership, provided the requirements of the State Uniform Condominium Act are met. "Low-rise" apartments shall have a maximum height of three-and-one-half (3.5) stories.

(c) **“SECTIONAL OR ‘MODULAR’ HOME”** means a type of dwelling that meets a definition of single family detached dwelling, twin dwelling, townhouse or apartment that is substantially but not wholly produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a "mobile/manufactured home" and that is supported structurally by its exterior walls and that rests on a permanent foundation, built to the BOCA Code.

(d) **“SINGLE FAMILY DETACHED DWELLING”** means one dwelling unit in one building accommodating only one family and having open yard areas on all sides. A single family detached dwelling may be a mobile/manufactured home.

(e) **“TWIN DWELLING UNIT”** means one dwelling unit accommodating one family that is attached to and completely separated by a vertical unpierced fire resistant wall to only one additional dwelling unit. One side yard shall be adjacent to each dwelling unit.

(f) **“ROWHOUSE OR TOWNHOUSE”** means one dwelling unit that is attached to two or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. (Note: Townhouses are sometimes known as "single family attached dwellings" or "multiplexes.")

(g) **“MOBILE/MANUFACTURED HOME”** means a type of single family detached dwelling that meets all of the following requirements:

- (1) is transportable in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for towing,
- (2) is designed for permanent occupancy,
- (3) arrives at a site complete and ready for occupancy except for incidental assembly operations,
- (4) is constructed to allow use without a permanent perimeter foundation,
- (5) is not a "Recreation Vehicle," and
- (6) is constructed to U.S. Department of Housing and Urban Development standards.
- (7) The terms "mobile home" and "manufactured home" have the same meaning. This term is different from a "Sectional home," which is defined above. See standards in Chapter 7-313.

“DWELLING UNIT” means a single habitable living unit occupied by only one "family." See definition of "family." A dwelling unit shall not include two or more separate living areas that are completely separated by interior walls so as to prevent interior access from

one living area to another. A dwelling unit shall not include more than one separate and distinct sets of "kitchen facilities," except a second kitchen may be approved by the Zoning Officer if necessary as part of a home occupation involving food preparation. Each dwelling unit shall have:

- (a) its own toilet, bath or shower, bathroom sink, sleeping facilities, refrigerator, kitchen sink, and only one stove and/or oven, and
- (b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level.

"EASEMENT" means authorization by a property owner for the use by another for a specified utility, access or purpose of any designated part of the owner's property.

"EMERGENCY SERVICES STATION" means a building for the housing of fire, emergency medical or police equipment and for related activities. This may include housing for emergency personnel while on-call.

"EMPLOYEES" means the highest number of workers (including both part-time and full-time, both compensated and volunteer and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

"ESSENTIAL SERVICES" means utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

"EXERCISE CLUB" means a facility that offers indoor or outdoor recreational facilities, such as the following: weight rooms, exercise equipment, non-household pool, gymnasium, tennis courts, martial arts, and racquetball courts.

"FAMILY" means one or more persons living in a single dwelling unit and functioning as a common household unit sharing household expenses and sharing joint use of the entire dwelling unit. A family shall include a maximum of two persons who are not "related" to each other (see definition in this Chapter). See provisions in Chapter 7-313 regarding maximum number of unrelated persons within a "group home." For a use involving greater numbers of unrelated persons, see "Rooming House" or "Institutional Group Home." Neither a "Treatment Center" nor a "Criminal Rehabilitation Center" shall not be considered a "family" or a "group home." See also the definition of a "dwelling unit."

"FENCE" means a man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry,

concrete, cinder block or similar materials shall be considered a "wall." The term "wall" does not include engineering retaining walls, which are permitted uses as needed in all Districts. The terms "fence" and "wall" do not include hedges, trees or shrubs. See Chapter 7-313.

“FINANCIAL INSTITUTION” means an establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public, and that may include Automatic Transaction Machines.

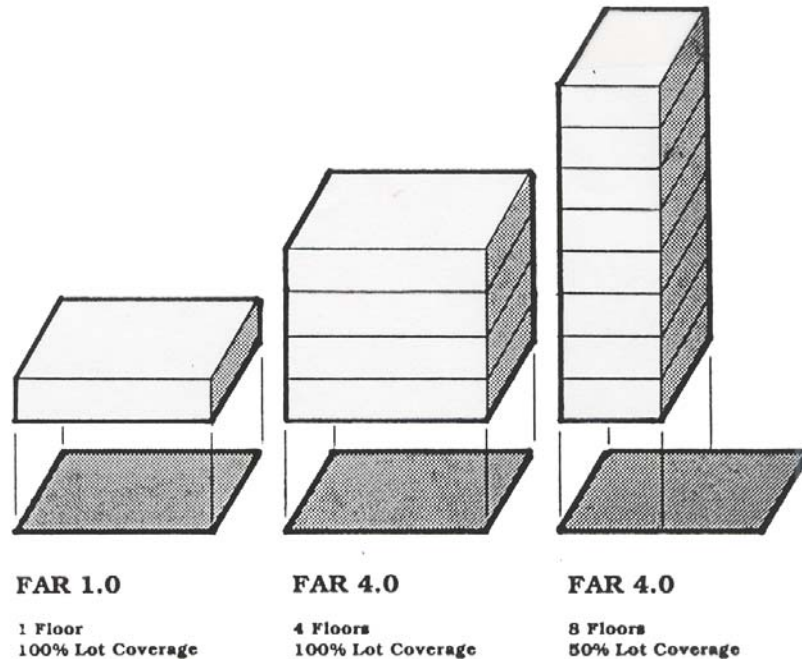
“FLEA MARKET” means retail sales of various household items and/or clothing and/or crafts by five or more vendors, with the vendors not being separated into individual storefronts, and which does not routinely involve sales every day of the week.

“FLOODPLAIN, 100-YEAR” See definitions of this term and related terminology in Chapter 7-329.

“FLOOR AREA, TOTAL” means the total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to fully enclosed porches and basement space that according to the definition of a "basement" is a "story." Floor area specifically shall **not** include elevator shafts, common stairwells within an apartment building, or unenclosed porches, decks or breezeways.

“FLOOR AREA, HABITABLE” means the portion of the "Floor Area" (as defined above) that is completely enclosed, heated and is suitable for occupancy by humans.

“FLOOR-TO-AREA RATIO” means the total floor area above the ground level of all buildings and parking decks on a lot divided by the total lot area of the lot. Underground floors and underground and surface-level parking shall not be included as floor area in this calculation.



Examples of Floor-to-Area Ratios

“FRATERNITY OR SORORITY” means a type of "boarding house," regulated as such, which is occupied by organized groups of higher education students, and which is officially recognized as a fraternity or sorority by such institution.

“GARAGE - HOUSEHOLD” See Residential Accessory Structure.

“GARAGE SALE” or “YARD SALE” means the accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See Chapter 7-313.

“GLARE” means a sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus. See Section 7-315.

“GOVERNMENT FACILITY - OTHER THAN CITY-OWNED” means a use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by the City of Harrisburg. This term shall not include uses listed separately in the table of uses in Section 309.1, such as "publicly-owned recreation." This term shall not include a "Correctional Facility."

“GRADE” means the mean curb level, unless otherwise noted. When a curb level has not been established, grade shall mean the average finished ground elevation adjoining the buildings.

“GROUP HOME” means the use of any lawful dwelling unit which meets all of the following criteria:

- (a) Involves the care of the maximum number of persons permitted by the "group home" standards of Chapter 7-313, and meets all other standards of such section.
- (b) Involves persons functioning as a common household unit.
- (c) Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, or mental retardation/developmental disability, or that the applicant proves to the satisfaction of the Zoning Officer meets the definition of another "handicap"* as defined by applicable Federal law.
- (d) Does not meet the definition of a "treatment center" or "criminal rehabilitation center."
- (e) Does not involve the housing or treatment of persons who:
 - (1) could reasonably be considered a threat to the physical safety of others, and/or
 - (2) were previously convicted of a sexual felony committed against a minor.

* NOTE: The Federal Fair Housing Act Amendments defined "handicap" as follows:

- (1) a physical or mental impairment which substantially limits one or more of such person's major life activities,
- (2) a record of having such an impairment, or
- (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans With Disabilities Act to address certain situations related to substance abuse treatment.

NOTE: For a use that would include more than the number of residents permitted under a "Small Group Home," see "Institutional Group Home."

“HARB” means the Harrisburg Historic Architectural Review Board.

“HAZARDOUS MATERIAL” means, unless otherwise stated, materials and substances listed in the latest edition of the Hazardous Substance List of the Pennsylvania Department of Labor and Industry.

“HEIGHT” means the vertical distance measured from the average elevation of the proposed ground level along the front of the building to the highest point of a structure. For a building with a defined and pitched roof, an area equal to twenty percent (20%) of the

building footprint may exceed the maximum height to provide for the roof peak, provided such twenty percent is not occupied by persons. See exemptions for certain types of structures in Chapter 7-327. For height of signs, see Chapter 7-325.

“HELIPORT” means an area used for the take-off and landing of helicopters, together with any related support facilities such as for maintenance, refueling and storage. This Ordinance is not intended to regulate the non-routine emergency landing and take-off of aircraft to pick-up seriously injured or ill persons.

- (a) **“PRIVATE HELIPORT”** means a heliport limited to a maximum total of 15 flights or take-offs in any 7-day period and that is not available for use by the general public. This is also known as a “helistop.”
- (b) **“PUBLIC HELIPORT”** means a heliport that does not meet the definition of a Private Heliport.
- (c) **“EMERGENCY HELIPAD”** means a heliport that is accessory to a medical hospital and which is only used for medical emergencies.

“HISTORIC DISTRICT, MUNICIPAL” means an area of the City that has been officially designated by City Council as a Municipal Historic District, and has been certified by the Pennsylvania Historical and Museum Commission, and which is regulated by the Historic District provisions of Chapter 7-331.

NOTE: Many sections of the City are within "National Register Historic Districts," which do not by themselves involve City historic district regulations. Portions of those National Register Districts are within the Municipal Historic Districts, while other portions are not.

“HOME OCCUPATION” means a routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building that:

- (a) is conducted primarily by a permanent resident of the dwelling;
- (b) only includes uses that are clearly incidental and secondary to the principal residential use;
- (c) does not include any retail or wholesale sales on the premises (other than over the phone and through the mail) nor any industrial use (other than custom crafts and sewing);
- (d) complies with the home occupations provisions of Chapter 7-313;
- (e) only involves persons working on the premises who are permanent residents of the dwelling plus a maximum of one non-resident working on the premises at any one

point in time, and

- (f) meets the limitations of Section 7-309.1 regarding home occupations along narrow streets.

“HOMELESS SHELTER” means a residential facility providing non-permanent transitional or emergency housing for persons who otherwise would be homeless, and which may also include accessory counseling including administrative offices and educational services, as well as medical and dental clinics, food preparation for residents and the community, and all related incidental uses and functions. See also "Abused Person Shelter."

“HOSPICE” means a facility that provides support services for terminally ill persons, but that does not primarily involve highly skilled medical care. Such use may occur within a hospital, personal care center or group home. However, if the use involves care of persons with illnesses that can be contagious through the air or casual conduct, the use shall be limited to within a hospital or nursing home.

“HOSPITAL” means a use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve any stays overnight shall be considered a "Medical Office." A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professionals and/or a hospice.

“HOTEL OR MOTEL” means a building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a "boarding house" and shall meet the requirements of that use. See also "bed and breakfast" and "hotel, extended-stay" definitions. A hotel or motel may also include a restaurant, meeting rooms, nightclub, newsstand, gift shop, swim club or tavern, provided that such use(s) is not the principal use of the property. A maximum of 20 percent of the rooms within a hotel or motel may include cooking facilities for guests. The definition of a "hotel" under State regulations shall not affect the definition of a "hotel" under this Zoning Code.

“HOTEL - EXTENDED-STAY” means a building including rooms rented out to persons as clearly transient and temporary living quarters for average maximum periods of two months, meeting the criteria listed in Chapter 7-313. Each unit shall have its own sleeping/living quarters, kitchen and bathroom. Any such use that does not meet the criteria of Chapter 7-313 shall be considered a "boarding house" and shall meet the requirements of that use. See also "bed and breakfast" and "hotel" definitions. An extended-stay hotel may also include a restaurant, meeting rooms, newsstand, gift shop, or swim club provided that such use(s) is not the principal use of the property. The definition

of a "hotel" under State regulations shall not affect the definition of a "hotel" under this Zoning Code.

“HOUSEHOLD PETS” See "Pets, Keeping of."

“IMPERVIOUS COVERAGE” means the total area of all "impervious surfaces" on a lot (including building coverage) divided by the total lot area.

“IMPERVIOUS SURFACE” means the area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.85 or higher. The City Engineer shall decide any dispute over whether an area is "impervious."

“INDUSTRIAL DISTRICTS” means the IN, IL and IH Districts.

“INDUSTRIAL USE” means and includes manufacturing, distribution, warehousing and other operations of an industrial nature, and not primarily of a commercial, institutional or residential nature.

“INSTITUTIONAL GROUP HOME” means a use which would otherwise meet the definition of a Group Home except that it includes more residents than permitted by the "Small Group Home" standards of Chapter 7-313. Such use may or may not occur within a dwelling unit. This term shall not apply to a "Care and Treatment Center for Youth," which is addressed as a separate use.

“JUNK” means any discarded, unusable or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicle parts, aircraft, glass, plastics, machinery, equipment, containers and building materials. Junk shall not include: routine solid wastes that are temporarily and customarily stored in an appropriate container while routinely awaiting collection and lawful disposal, toxic wastes, vegetative yard waste, or items clearly awaiting imminent recycling at an approved recycling facility.

“JUNK VEHICLE” means and includes any vehicle or trailer that meets any of the following conditions:

- (a) The vehicle cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs.
- (b) It is a trailer designed to be towed , but cannot be towed.
- (c) It has been demolished beyond repair.
- (d) It has been separated from its axles, engine, body or chassis.

(e) It includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

(f) See also the definition of "unregistered vehicle."

"JUNKYARD" means land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of one or more of the following types:

(a) "Junk." (see definition).

(b) A greater number of junk vehicles than is permitted under Section 7-317.4 that are partly or fully visible from an exterior lotline, dwelling and/or public street. This shall not apply to such vehicles allowed to be stored within the specific requirements of an auto repair garage or auto service station.

(c) One or more mobile/manufactured homes that are not in a habitable condition.

NOTE: Junk stored within a completely enclosed building for business purposes shall be considered a warehouse. A "Scrap Metal Processor" is not considered a "Junk Yard."

"KENNEL" means the keeping of twenty or more dogs and/or cats. A kennel may also serve other animals.

"LAND DEVELOPMENT" means the definition in the Pa. Municipalities Planning Code, as amended, shall apply, as may be lawfully adjusted by the City Subdivision and Land Development Code, as amended.

"LANDOWNER" means the owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner and if such lease is for a remaining period of at least 12 months) or authorized officers of a partnership or corporation that is a "landowner."

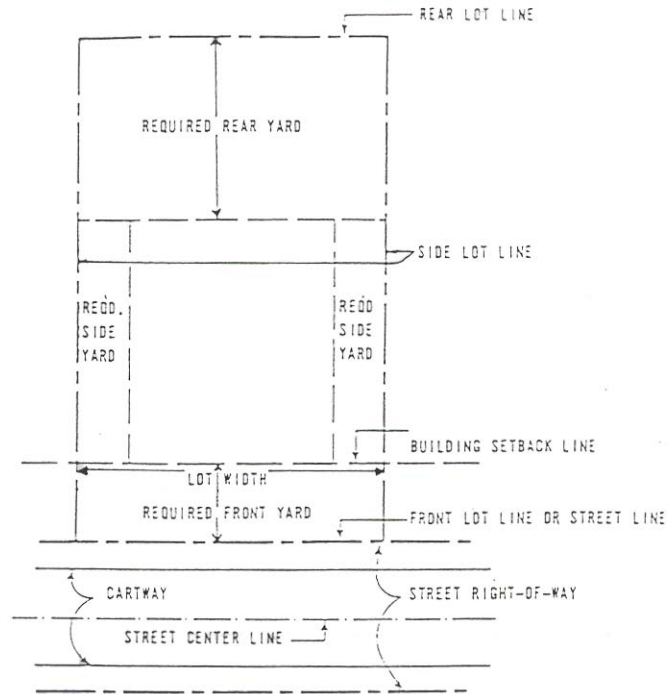
"LIGHTING, DIFFUSED" means the illumination that passes from the source through a translucent cover or shade.

"LIFE CARE CENTER" means a residential use designed and operated exclusively for adults of 55 years of age or older and/or physically handicapped persons that includes a nursing home and certain limited support facilities intended specifically to serve the needs of these residents.

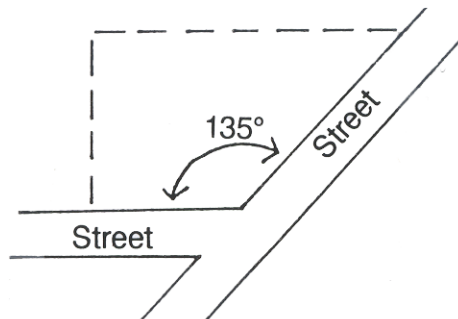
"LIVESTOCK - RAISING OF" means the raising and keeping of livestock, horses, poultry or insects for any commercial purposes, beyond what is allowed under the "Keeping of Pets" section of Chapter 313. This term shall not regulate agricultural exhibitions.

Raising of livestock shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

“LOT” means a contiguous separate parcel of land that is recorded or that will be recorded after City final subdivision approval in the office of the County Recorder of Deeds. A parcel under common ownership that is completely separated into two parts by a public street shall be considered to be one tract but two lots.



“LOT - CORNER” means a lot abutting on two or more intersecting streets which has an interior angle of less than 135 degrees at the intersection of right-of-way lines of two streets. A lot abutting upon a curved street or streets shall be considered a "corner lot" if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lotlines with the street lines intersect at an angle of less than 135 degrees.



“LOT - MERGED” means a lot resulting from the merger of two or more abutting parcels of land, at least one of which was a nonconforming lot, that were held under single ownership. See Chapter 7-303.

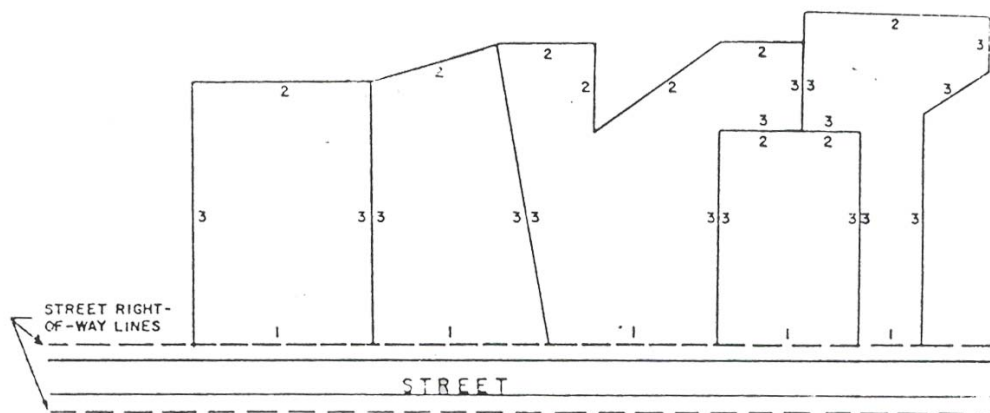
“LOT AREA” means the horizontal land area contained within the lotlines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area, areas within the "existing" legal rights-of-way of any proposed or existing public or private streets or alleys shall be excluded. See the definition of "Lot Area, Average" below.

“LOT AREA - AVERAGE” means the total of the "lot area" (see above) of each adjacent lots in common ownership within a proposed subdivision or land development divided by the proposed number of dwelling units.

“LOT LINES” or “LOT LINES” means the property lines bounding the lot. Wherever a property line borders a public street, the lotline shall be considered to be the existing street right-of-way line.

- (a) **“FRONT LOTLINE” or “STREET LINE”** means a lotline separating the lot from the existing street right-of-way.
- (b) **“REAR LOTLINE”** means any lotline which is parallel to or within 45 degrees of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lotline furthest from any street shall be considered a rear lotline.
- (c) **“SIDE LOTLINE”** means any lotline other than a front or rear lotline.

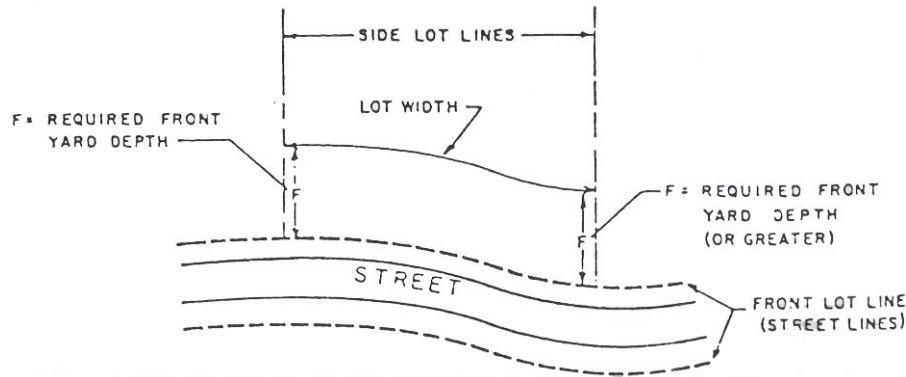
Enumerated lines on the following figure correspond to numbering in definition.



“LOT WIDTH” means the horizontal distance between the side lotlines measured at the minimum prescribed front yard setback line, unless otherwise stated.

- (a) In the event of a curved lotline, such lot width at the minimum prescribed front yard setback line may be measured along the curve, as opposed to along a straight line.

- (b) Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall.
- (c) Along the bulb of a cul-de-sac, the lot width may be measured at the proposed building setback line as opposed to the minimum building setback line.



“MANUFACTURE” means the making, with substantial use of machinery, of some physical product for sale, and/or associated assembly, fabrication, cleaning, testing, processing, recycling, packaging, conversion, production, distribution and repair, with substantial use of machinery, of products for sale. This term shall not include the following: retail sales, personal services, solid waste disposal facility, trucking company terminal, mineral extraction, or petroleum or kerosene refining or distillation.

“MASSAGE PARLOR” means an establishment that meets all of the following criteria:

- (a) Manipulative exercises using the hands and/or a mechanical device are conducted on a person(s)'s skin other than the face or neck that is related to certain monetary compensation.
- (b) The person conducting the massage is not licensed as a health care professional or a massage therapist by the State, and is not a "relative" of the person receiving the massage.
- (c) The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor.
- (d) The massages are conducted within private or semi-private rooms.
- (e) The use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program. See "Adult Use" in Chapter 7-313.

“MAXIMUM EXTENT FEASIBLE” means the point at which all possible measures have been undertaken by the applicant, and at which point the applicant proves to the satisfaction of the Zoning Officer further measures would involve significant physical or economic hardships that would render a use, structure or other activity infeasible or would be unreasonable.

“MEDICAL OFFICE” means a use involving the treatment and examination of patients by State-licensed physicians or dentists, provided that no patients shall be kept overnight on the premises. This use may involve the testing of tissue, blood or other human materials for medical or dental purposes.

“MEMBERSHIP CLUB” means an area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that are limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business. This use shall not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant or retail sales unless that particular use is permitted in that District and the requirements of that use are met. See Chapter 7-313. See also "After Hours Club."

“MINERAL EXTRACTION” means the removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. "Mineral extraction" includes but is not limited to the extraction of gravel, limestone, clay and similar materials. See Chapter 7-313.

“MOBILE/MANUFACTURED HOME” See under "Dwelling Types."

“MOBILE/MANUFACTURED HOME PARK” means a parcel of land under single ownership which includes three or more mobile/manufactured homes for residential use. The individual manufactured homes may be individually owned. A development of mobile/manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile home park." See Chapter 7-313.

“MOTEL” See "Hotel."

“MUNICIPALITIES PLANNING CODE” or “Pa. MUNICIPALITIES PLANNING CODE” means the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 905, No. 247, as reenacted and amended.

“NATURE PRESERVE” means a noncommercial preservation of land for providing wildlife habitats, forests or scenic natural features that involves no buildings other than a nature education and/or study center and customary maintenance buildings.

“NIGHTCLUB” means a tavern and/or restaurant that has a primary or substantial portion of the total trade in the sale of alcoholic beverages, which frequently charges admission or cover charges for entertainment or music for dancing and which has a capacity of more than one hundred persons for such entertainment or dancing. See also the definition of an "After-Hours Club."

“NON-COMMERCIAL” means not for profit.

“NONCONFORMING LOT” means a lot which does not comply with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Code, or amendments hereinafter enacted, or is legally established through the granting of a variance by the Zoning Hearing Board, and which is otherwise not merged pursuant to the provisions of Chapter 7-303.

“NONCONFORMING STRUCTURE” means a structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this Code, as amended, where such structure lawfully existed prior to the enactment of such Code or applicable amendment(s). Such nonconforming structures include but are not limited to signs. See Chapter 7-303.

“NONCONFORMING USE” means a use, whether of land or of a structure, which does not comply with the applicable use provisions in this Code or amendment(s), where such use was lawfully in existence prior to the enactment of this Code or applicable amendment(s). A use granted by variance is not a nonconforming use. See Chapter 7-303.

“NON-RESIDENTIAL” means for other than residential purposes.

“NURSING HOME” means a facility licensed by the State for the housing and intermediate or fully-skilled nursing care of three or more persons.

“OFFICE” means a use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical or dental offices, clinics or laboratories, photographic studios and/or television or radio broadcasting studios.

“OFFICIAL ZONING MAP” means the map as adopted by City Council which designates the location and boundaries of zoning districts.

“OPEN SPACE DISTRICT” means the OSR and OSRC Districts.

“PA” means the Commonwealth of Pennsylvania.

“PARKING” means off-street parking stalls and aisles for vehicle movement unless otherwise stated.

“PATIO” means an outdoor area that is not covered by a permanent roof and that is used as an accessory recreation area by the occupants of a building.

“PAVED AREA” means all areas covered by stone and/or impervious surfaces, other than areas covered by buildings, bicycle paths and pedestrian sidewalks. See paved area landscaping requirements in Chapter 7-317.

“PENNDOT” means the Pennsylvania Department of Transportation, or its successor, and its subparts.

“PERMIT” means a document issued by the proper City authority authorizing the applicant to undertake certain activities. See Chapter 7-301.

“PERMITTED BY RIGHT USES” means uses that do not have to be approved as uses by the Zoning Hearing Board or City Council. (A site plan review by the Planning Bureau or Planning Commission may be required for certain permitted by right uses to ensure that the use would comply with all City ordinances.) A "nonconforming use" shall not be considered to be a permitted by right use, a special exception use or a conditional use.

“PERSONAL CARE HOME OR CENTER” means a residential use providing residential and support services primarily to persons who are over age 60, physically handicapped and/or developmentally disabled and that is licensed as a Personal Care Home or Center by the Commonwealth of Pennsylvania. See also definition of "Hospice".

“PERSONAL SERVICE” means an establishment that provides a service oriented to personal needs of the general public and which does not primarily involve retail or wholesale sales or services to businesses. Personal services include haircutting, hairstyling, nail salons, custom dressmaking, custom dry-cleaning, photography studios, shoe repair shops, State-licensed massage therapy and closely similar activity not meeting the definition of a "massage parlor," and uses that the applicant proves to the Zoning Officer are closely similar. The term "Personal Services" shall not include any "adult uses," as herein defined.

“PETS - KEEPING OF” means the keeping of domestic animals that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. See Chapter 7-313.

“PLACES OF WORSHIP” means buildings, churches, monasteries, mosques, religious retreats, seminaries shrines, synagogues and temples used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. A place of worship may include one dwelling unit as an accessory use. Any additional residential uses shall only be permitted if the requirements for such uses are met. See standards in Chapter 7-313.

“PLANNED RESIDENTIAL DEVELOPMENT” or “PRD” means an area of land to be developed under a single completely unified development plan for a number of dwelling units, or a combination of residential and certain permitted non-residential uses, and which under any applicable "PRD" provisions of this Ordinance is allowed to vary from the lot area, bulk, type of dwelling, use, density, intensity and/or lot coverage regulations established by the applicable zoning district, and which provides such improvements as provided in any PRD provisions of this Ordinance and other applicable City ordinances. See Chapter 7-319.

“PLANNING COMMISSION” means the Planning Commission of the City of Harrisburg.

“PLANT NURSERY” means the indoor and/or outdoor raising of trees, plants, shrubs or flowers for sale, but not primarily including commercial forestry for lumber. A plant nursery may include the growth of trees for sale for internal decoration of homes, such as a Christmas tree farm.

“PRINCIPAL STRUCTURE” means the structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure. A principal building shall be a principal structure which is a building.

“PRINCIPAL USE” means a dominant use(s) or main use on a lot, as opposed to an accessory use.

“PRINTING” means and includes printing, publishing, lithographing, photocopying, bookbinding and similar uses.

“PROPERTY LINE” See "lotline."

“PUBLIC NOTICE” means notice required by the Pa. Municipalities Planning Code.

“PUBLICLY-OWNED RECREATION” means land and/or facilities that are:

- (a) owned by the City or another government entity, and
- (b) available for use by the general public for leisure and recreation.

“RACE TRACK” means a use primarily involving driving of motor vehicles other than upon driving on a public street, and involving speeds routinely exceeding forty (40) miles per hour that involves some element of time-keeping or other competition.

“RECREATION, PRIVATE” means non-commercial leisure-time uses that are only open to members, guests or some specific groups.

“RECREATION - COMMERCIAL” See "Commercial Recreation."

“RECREATIONAL VEHICLE” means a vehicle which is designed primarily to transport a person for primarily recreational instead of transportation purposes, or a vehicle that serves as a mobile, temporary dwelling. This may include a vehicle that is self-propelled, towed or carried by another vehicle, but shall not include camper cabs that fit over pickup trucks. This term shall also include the following: watercraft with a hull longer than fifteen feet, motor homes, travel trailers, all-terrain vehicles and snowmobiles.

“RECREATIONAL VEHICLE STORAGE AREA” means an outdoor area used for the storage of three or more recreational vehicles. Retail sales or major repair work shall only be allowed if those uses are permitted in that zoning district.

“RECYCLING CENTER - BULK” See "Bulk Recycling Center."

“RECYCLING COLLECTION CENTER” means a use for collection and temporary storage of more than five hundred (500) pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than five hundred (500) pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a City-owned use, an emergency services station or a college or university. This term shall not include “Junk Yard” or “Scrap Metal Processor.”

“RELATED” or “RELATIVE” means persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin. This term specifically shall not include relationships such as second, third or more distant cousins. See definition of "Dwelling Unit."

“REPAIR SERVICE” means shops for the repair of appliances, watches, guns, bicycles and other household items.

“RESIDENTIAL ACCESSORY BUILDING, STRUCTURE OR USE” means a use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Household Swimming Pool, Storage Shed or Greenhouse. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

“RESIDENTIAL DISTRICT” means the RL, RM, RH and RB Zoning Districts.

“RESIDENTIAL LOTLINES” means the lotline of a lot that:

- (a) contains an existing primarily residential use on a lot of less than 30,000 square feet, or
- (b) is zoned as a Residential District and is not occupied by a principal non-residential use.
- (c) Additional setbacks and buffer yard requirements from a "residential lotline" shall not apply if all lot(s) partially or wholly within 75 feet from the lot that would be required to provide the buffer yard or additional setback currently have the same owner as the lot that would be required to provide the buffer yard or additional setback.

“RESTAURANT” means an establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises. A restaurant may also specialize in take-out service.

- (a) A restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" or “nightclub” as applicable must be met.
- (b) A restaurant shall not include a use meeting the definition of a "nightclub" or an "after-hours club," unless the requirements for such use are also met.

“RESTAURANT WITH DRIVE-THRU SERVICE” means a "restaurant" that allows customers to place orders and receive their orders while seated in their own vehicles. Such restaurant may or may not also include indoor service.

“RETAIL STORE” means a use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.

“ROOMING HOUSE” or “BOARDING HOUSE” means a residential use in which: two or more individual rooms that do not meet the definition of a lawful dwelling unit are rented for habitation by persons who are not "related" to an owner of record of the property, or a dwelling unit includes a higher than permitted maximum number of unrelated persons (see definition of "family").

- (a) A rooming house shall not include a use that meets the definition of a treatment center, hotel, dormitory, motel, life care center, personal care center, bed and breakfast, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house.
- (b) A rooming house may either involve or not involve the provision of meals to residents, and may either involve or not involve a shared kitchen, but shall not

include kitchen facilities in individual rooms, and shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant.

- (c) The terms "Rooming House" and "Boarding House" have the same meaning for the purposes of this Code.

“SANITARY LANDFILL” or “SOLID WASTE LANDFILL” means a type of "Solid Waste Disposal Area" involving the depositing of solid waste on land, compacting the waste, covering the waste with soil and then compacting the soil, and which has a permit to operate as a sanitary landfill from the State. See Chapter 7-313.

“SATELLITE DISH ANTENNA” or “SATELLITE ANTENNA” means a reflector, usually parabolic in shape, that receives electronic signals from a satellite, and that does not meet the definition of a "Commercial Communications Antenna." This term shall also include any pedestal or attached structure. See Chapter 7-313.

“SCHOOL, PUBLIC” or “PRIVATE PRIMARY SCHOOL” or “PRIVATE SECONDARY SCHOOL” means an educational institution primarily for persons between the ages of five (5) and nineteen (19) that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools" (such as privately operated schools of trade, vocation or business).

“SCRAP METAL” means and includes the following:

- (a) Iron, steel or nonferrous metals that are the co-products of a manufacturing or fabricating process, or are generated by a business entity as a result of its maintenance operations, and are in the hands of either the generator of the material or a scrap metal processor; or
- (b) Items made principally from iron, steel and nonferrous metals that have reached the end of their useful lives and are in the hands of a scrap metal processor waiting to be processed into prepared grades for sale for remelting purposes; or
- (c) Prepared grades of iron, steel and nonferrous metals which are awaiting sale for remelting to a consumer such as a steel mill, foundry, refinery or smelter, or are in the hands of a consumer awaiting remelting.

“SCRAP METAL PROCESSOR” means a facility from a fixed location that utilizes machinery and equipment for processing and manufacturing iron, steel or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metallic scrap for sale for remelting purposes.

“SCREENING” means year-round plant material of substantial height and density designed to provide a buffer. See requirements in Chapter 7-327.

“SECTIONAL DWELLING” See under "Dwelling Units."

“SELF-STORAGE DEVELOPMENT” means a building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

“SEMI-DETACHED BUILDING” means a building which is attached to only one other building, and which is attached on only one side.

“SENIOR HOUSING” means dwellings that are limited exclusively to persons aged 55 years and older and their spouses and/or the physically handicapped.

“SETBACK LINE” means the line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the adjacent future street right-of-way or exterior lotline (when the property is not abutted by a right-of-way). Such line shall be measured at right angles from and parallel to the front lotline.

- (a) Any building setbacks shall be measured from the foundation, exterior wall or other component of a structure that is closest to the right-of-way line or lotline from which the setback is being measured. See exceptions for eaves and cornices in Chapter 7-311.
- (b) Unless otherwise stated, setback distances are for both accessory and principal structures.
- (c) For a building setback measured from a private street, the setback shall be measured from the existing right-of-way of such a street, if a right-of-way exists. If a private street does not have a right-of-way, the setback shall be measured from the edge of the cartway.

“SHOPPING CENTER” means use involving a minimum of five retail or personal service uses or establishments and that primarily involves retail sales. A shopping center may in addition include a mix of permitted personal service, office and/or commercial recreation uses.

“SIGN” means any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lotline, including all symbols, words, models, displays, banners, flags, devices or representations. See definitions of types of signs in Chapter 7-325. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.

“SIGN AREA” See definitions in Chapter 7-325.

“SIGN - OFF-PREMISE” means a sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered

or located at a location other than the lot upon which the sign is located. See also "Billboard."

"SINGLE AND SEPARATE OWNERSHIP" means the ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

"SITE PLAN REVIEW" means the review of a site plan by the Planning Bureau or Planning Commission that may be required for parking lots and certain non-residential building expansions under Chapter 7-301.

"SLAUGHTER HOUSE" means a use involving the killing of animals for the production of food or some other commercial product. A commercial stockyard or similar facility that primarily involves the bulk storage or transferring of animals on the way to slaughter shall also be considered a slaughter house. This term shall not include a retail "custom butcher shop" that does not involve killing of animals.

"SLOPE" means the vertical change of an area of land divided by the horizontal change, measured in percent.

"SOLICITOR" or "CITY SOLICITOR" means, unless otherwise stated, the Solicitor or Assistant Solicitor for the City of Harrisburg as appointed by the Mayor.

"SOLID WASTE" means any garbage, refuse, sewage sludge or other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, institutional, public, household, commercial or mining activities. For the purposes of this Code, the following materials shall not be considered to be solid waste:

- (a) portions of trees or shrubs, leaves, mulch and rocks,
- (b) substances legally disposed of into the air or water through a Federal or State pollution discharge permit,
- (c) customary residual wastes from a permitted mineral extraction use,
- (d) materials of a character such as paper, plastic, aluminum and metal that have been separated from the waste stream that is clearly awaiting imminent recycling, or
- (e) prepared grades of iron, steel and nonferrous metals which are awaiting sale for remelting to a consumer such as a steel mill, foundry, refinery or smelter, or are in the hands of a consumer awaiting remelting.

"SOLID WASTE FACILITY" means land or structures where solid waste is processed, incinerated or disposed of.

- (a) This shall only include the following facilities, each of which shall be required to have all permits required by the State in place prior to initiation of the use:
 - (1) sanitary landfill,
 - (2) solid waste transfer facility, or
 - (3) solid waste-to-energy facility.
 - (4) See Chapter 7-313.
- (b) The following uses for the purposes of this Ordinance shall not be considered to be a solid waste disposal facility:
 - (1) junkyard,
 - (2) recycling collection center,
 - (3) scrap metal processor,
 - (4) leaf composting,
 - (5) clean fill, or
 - (6) septage or sludge application.

“SOLID WASTE-TO-ENERGY FACILITY” means a type of "Solid Waste Facility" that utilizes waste (such as municipal waste, sludge or any other nonhazardous commercial, residential or industrial materials) as a fuel to produce usable energy (such as steam or electricity) in bulk to be marketed for reuse to offset disposal costs. See Chapter 7-313.

“SOLID WASTE TRANSFER FACILITY” means a type of "Solid Waste Facility" which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal, and which may or may not involve the separation of recyclables from solid waste. See Chapter 7-313.

“SPECIAL EXCEPTION” means a use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance. See Chapter 7-305.

“SPECIFIED SEXUAL ACTIVITIES” means one or more of the following:

- (a) Human male genitals in a visible state of sexual stimulation.
- (b) Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- (c) Fondling or other erotic touching of human genitals. See definition of "Adult Use."

“STATE” means the Commonwealth of Pennsylvania and its agencies.

“STORY” means a level of a building routinely accessible to humans.

- (a) **“FULL STORY”** means any level having an average vertical clearance from floor to ceiling of six-and-one-half (6.5) feet or greater shall be considered a full story, except as provided for in the definition of "basement."
- (b) **“HALF-STORY”** means any level of a building having an average vertical clearance from floor to ceiling of less than six-and-one-half (6.5) feet .

“STREET” means a public or private thoroughfare which provides the principal means of vehicle access to three or more lots or that is an expressway, but not including an alley or a driveway. The terms "street", "highway" and "road" have the same meaning and are used interchangeably.

“STREET RIGHT-OF-WAY - EXISTING OR LEGAL” means the officially established ownership or interest for streets that either the City or the State presently have in the land, or will own or hold after the completion of any proposed subdivision, land development or development of a use under this Code, whether by dedication or otherwise.

“STRUCTURE” means any man-made object having a stationary location on, below or in land or water, whether or not affixed to the land, subject to the following specific standards:

- (a) The following specifically shall be considered to be structures: buildings, signs, communications towers, porches or decks that are covered by a permanent structure; swimming pools (whether above or below ground); storage sheds and garages.
- (b) Any structure shall be subject to the principal or accessory setbacks of this Code, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Code.
- (c) A ground level parking lot shall not by itself be considered to be a structure, provided that all other requirements of this Code are met.

“SUBDIVISION” means the definition in the City Subdivision and Land Development Code, as amended, shall apply.

“SUBDIVISION ORDINANCE” or “SUBDIVISION & LAND DEVELOPMENT ORDINANCE” means the Harrisburg City Subdivision and Land Development Ordinance, as amended.

“SWIMMING POOL, HOUSEHOLD OR PRIVATE” means a man-made area with walls of man-made materials intended to enclose water at least thirty inches deep for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests. See Chapter 7-313.

“SWIMMING POOL, NON-HOUSEHOLD” means a man-made area with walls of man-made materials intended to enclose water at least thirty inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool. This includes:

- (a) a "semi-public" pool that serves only residents of a development or members of a club and their occasional guests or
- (b) a "public" pool intended to serve the general public.

“TAVERN” means a place where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of a "nightclub" or an "after-hours club." A tavern shall include a substantial kitchen and the sale of food. See also the definition of restaurant.

“THEATER” means a building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

“THEATER -OUTDOOR DRIVE-IN” means an outdoor area devoted primarily to the showing of motion pictures or theatrical productions to patrons seated in motor vehicles or outdoors.

“TIRE STORAGE - BULK” means the storage of more than two hundred fifty (250) tires on a lot, except for manufacture or wholesale or retail sales of new tires. See "Outdoor Storage" in Chapter 7-313.

“TOWNHOUSE” See "Dwelling Types."

“TRACT” means in certain zoning districts, the minimum amount of adjacent land area (which may be separated by alleys, streets or waterways) within the City that is required to be approved as part of an overall preliminary subdivision or land development plan in order to allow either certain types of uses or to allow the creation of lots smaller than a certain specified lot area. An area of land shall meet the following requirements in order to be considered a "tract:"

- (a) shall only include lands within an approved preliminary plan that includes a well-defined internal circulation system, maximum coordination between lots and carefully limited points of vehicular access onto streets exterior to the tract, and
- (b) shall only include lands that at the time of the approval of the preliminary plan have one "landowner" (as defined in this Section), unless the applicant proves to the satisfaction of the Zoning Officer that there is a legally binding commitment between two or more "landowners" to coordinate the access and development of the tract as shown in the approved preliminary plan.

“TRADE/HOBBY SCHOOL OR TRADE SCHOOL” means a facility that:

- (a) is primarily intended for education of a work-related skill or craft or a hobby, and
- (b) does not primarily provide State-required education to persons under age sixteen (16). Examples include a dancing school, martial arts school, cosmetology school or ceramics school.

“TRADESPERSON” means a person involved with building trades, such as but not limited to: plumbing, electrical work, building construction, building remodeling, roofing, and heating/ventilation/air conditioning work.

“TREATMENT CENTER” means a use (other than a prison or a permitted accessory use in a "hospital") providing housing facilities for persons who need specialized housing, treatment and/or counseling for stays of less than one year and who need such facilities because of:

- (a) addiction to alcohol and/or a controlled substance, or
- (b) a type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others. See Chapter 7-313.

“TRUCKING COMPANY TERMINAL” means a use involving a large variety of materials, including materials owned by numerous corporations, being transported to a site to be unloaded primarily from tractor-trailer trucks and reloaded onto tractor-trailer trucks. A use that primarily involves either loading materials from tractor-trailers onto smaller trucks or loading materials from smaller trucks onto tractor-trailers shall be considered a "distribution" use. See Chapter 7-313.

“UNREGISTERED VEHICLE” means any motor vehicle or trailer that does not display a license plate with a current registration sticker and does not have a valid State safety inspection sticker. This term shall not apply to vehicles (such as licensed antique cars) for which State regulations do not require an inspection sticker. The term also shall not include motor vehicles displaying a license and inspection stickers that have each expired less than ninety days previously.

“U.S.” or “US” means the United States of America.

“USE” means the purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a structure, activity outside of a structure, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

“VARIANCE” means the granting of specific permission by the Zoning Hearing Board to use, construct, expand or alter land or structures in such a way that compliance is not

required with a specific requirement of the Zoning Code. Any variance shall only be granted within the limitations of the Pa. Municipalities Planning Code. See Chapter 7-305.

“VETERINARIAN OFFICE” means a building routinely used for the treatment of animals and related accessory housing or boarding of sick animals. Treatment of "Large Animals" includes all types of animals including horses, cows and pigs. Housing of primarily healthy animals shall be considered a "kennel" and shall meet the requirements of that use.

“WALL” See "Fence."

“WAREHOUSE” means a building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

“WETLANDS” means an area of land and/or water meeting one or more definitions of a "wetland" under Federal and/or Pennsylvania law and/or regulations.

“WHOLESALE” means sales that primarily involve transactions with other businesses and their agents and not to the general public.

“YARD” means an area not covered by buildings and that is on the same lot as the subject structure or use and which is measured inward from a lotline. Regulations of specific districts prohibit principal and accessory structures within specified required minimum yard setbacks.

“YARD - FRONT” or “MINIMUM FRONT SETBACK” means a "yard" measured from along the front lotline and that extends the full width of the lot from side lotline to side lotline.

- (a) The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot.
- (b) When a lot abuts onto two or more public streets, the applicant may choose which is the front yard, unless the Zoning Officer determines that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots.
- (c) No accessory or principal structure shall extend into the required front yard, except as provided in this Ordinance. See Chapter 7-313 regarding corner lots.
- (d) Every lot shall include at least one front lotline.

“YARD - REAR” or “MINIMUM REAR SETBACK” means a "yard" extending the full-width of the lot and which is always measured from along the rear line and which establishes the minimum setback for the subject structure, and which stretches between the

side lotlines parallel to the rear lotline. A principal building shall not extend into the required rear yard setback for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Ordinance. Every lot shall include a rear lotline.

“YARD - SIDE” OR “MINIMUM SIDE SETBACK” means a "yard" which establishes the minimum setback for the closest portion of the subject structure, and which is measured from along the entire length of the side lotline, and which extends from the front lotline to the rear lotline. A structure shall not extend into the applicable minimum side yard setback, except as provided for in this Ordinance. Every lot shall include at least one side lotline.

“ZONING MAP” means the Official Zoning Map of the City of Harrisburg, Dauphin County, Pennsylvania.

“ZONING OFFICER(S)” The City employee(s) charged with the duty of enforcing the provisions of the Zoning Code, and his/her designees and assistant(s). The Zoning Officer with the primary responsibility to enforce this Zoning Code shall be the Zoning Administrator.

“ZONING CODE” or “ZONING ORDINANCE” means the City of Harrisburg Planning and Zoning Code, as amended.